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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,368	12/13/2001	Mark S. Moriconi	PA1682US	8047
23910	7590	03/09/2006	EXAMINER	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			POLTORAK, PIOTR	
			ART UNIT	PAPER NUMBER
			2134	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/017,368	MORICONI ET AL.	
	Examiner	Art Unit	
	Peter Poltorak	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Amendment, and remarks therein, received on 11/07/05 have been entered and carefully considered.
2. The Amendment introduces a new limitation into the originally sole independent claims 1, 7, 10, 16 and 20 and dependent claims 2-3, 8, 17. The newly introduced limitation has required a new search and consideration of the pending claims. The new search has resulted in newly discovered prior art. New grounds of rejection based on the newly discovered prior art follow below.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Response to Amendment

4. Applicant's arguments have been carefully.
5. The previous Office Action objection and 35 U.S.C. 112, second paragraph rejections have been withdrawn and drawings submitted on 11/17/05 have been accepted.
6. The new limitations are addressed in this Office Action, below.
7. Claims 1-20 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of 35 U.S.C. 102(e) which forms the basis for all obviousness rejections set forth in this Office action:

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-2, 5, 7-8, 10-11, 14, 16-17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by *Brownlie et al. (U.S. Patent No. 6202157)*.
9. As per claims 1-2, 5, 7-8, 10-11, 14, 16-17 and 20 *Brownlie et al.* teach a policy manager, coupled to a network, including a database for storing a security policy including a plurality of rules and a policy distributor, coupled to the database, for distributing the plurality of rules through the network (*col. 3 lines 25-34, line 54-col. 4 line 2*), a security engine located on a client coupled to the network, for storing a set of the plurality of rules constituting a local customized security policy received through the network from the policy distributor and for enforcing the local customized security policy with respect to an application at the client (*col. 4 lines 16-43, 51-52 and col. 5 lines 1-5*), and an application, coupled to the security engine application rather than being embedded in the application (*Fig. 1 node 22, col. 4 lines 47-50 and col. 7 lines 43-49*).

Claim Rejections - 35 USC § 103

10. Claims 6, 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Brownlie et al. (U.S. Patent No. 6202157)* in view of *Wang (U.S. Patent No. 5956521)*.

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11. *Brownlie et al.* discloses that the policy manager and the policy distributor are hosted on a first server (*Brownlie et al.*, col. 3 lines 27-34, 54-56 and 61-63), the security engine and the application are hosted on a second node, and the first and second node are communicatively coupled to each other through the network (col. 3 lines 61-63).

12. *Brownlie et al.* do not explicitly teach that the second node is a server.

13. *Wang* teach a plurality of nodes that are servers (*Wang*, Fig. 3).

It would have been obvious to one of ordinary skill in the art at the time of applicant's enforceable security policy invention as disclosed by *Brownlie et al.* into systems with nodes that are servers as taught by *Wang*. One of ordinary skill in the art would have been motivated to perform such a modification in order to provide an enforceable flexible security policy for each network node including servers.

14. Claims 3-4, 9, 12-13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Brownlie et al.* (U.S. Patent No. 6202157) in view of *TRCKA et al.* (U.S. Pub. No. 20010039579).

15. *Brownlie et al.* disclose the security engine as discussed above.

16. As per claims 3 and 12 *Brownlie et al.* teach the security engine for evaluating a request to access the application based on the set of the plurality of rules and the application and the engine to communicating (*Brownlie et al.*, col. 4 lines 47-50 and col. 7 lines 43-49).

17. *Brownlie et al.* do not explicitly teach an application programming interface (API) for enabling communication between the application and the engine.

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18. *TRCKA et al.* teach utilizing API in communication [101].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to provide API for enabling communication between the application and the engine as taught by *TRCKA et al.* One of ordinary skill in the art would have been motivated to perform such a modification in order to code efficiency by allowing significant amount of code to be re-used [103].

19. Claims 3-4, 9, 12-13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Brownlie et al.* (U.S. Patent No. 6202157) in view of *TRCKA et al.* (U.S. Pub. No. 20010039579) and further in view of *Microsoft Press (Computer Dictionary, 3rd Edition, ISBN: 157231446XA, 1997)*.

20. As per claims 4, 9, 13 and 18 *Microsoft* do not teach plug-in APIs.

21. *Microsoft* teaches a plug-in (*Microsoft Press, pg. 370*).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate a plug-in API as taught by *Microsoft*. One of ordinary skill in the art would have been motivated to perform such a modification in order to provide additional functionality (*Microsoft, pg. 410*).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Nessett et al. (U.S. Patent No. 5968176),

Elgressy et al. (U.S. Patent No. 6449723),

Barlow (U.S. Patent No. 5204961),

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Horstmann (U.S. Patent No. 6009525),

Elgressy et al (U.S. Patent No. 6098173),

Jackowski et al. (U.S. Patent No. 6141686).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (571)272-3840. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

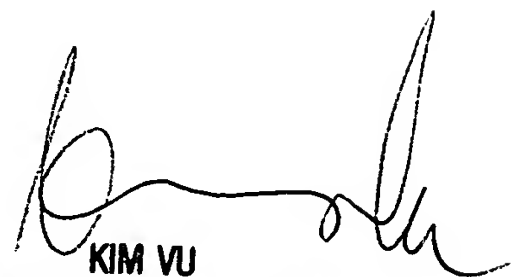
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Signature

3/1/6

Date



KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100